



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,512	12/22/2000	Wenyu Han	Zebex 3A	1744

7590 12/19/2002

HENRY I SCHANZER, ESQ.
29 BROOKFALL ROAD
EDISON, NJ 08817

EXAMINER

LEE, SEUNG H

ART UNIT	PAPER NUMBER
----------	--------------

2876

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/745,512	HAN ET AL. <i>[Signature]</i>	
	Examiner Seung H Lee	Art Unit 2876	
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
Period for Reply			
<p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 			
Status			
<p>1)<input type="checkbox"/> Responsive to communication(s) filed on ____.</p> <p>2a)<input type="checkbox"/> This action is FINAL. 2b)<input checked="" type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>			
Disposition of Claims			
<p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-17</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) ____ is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) ____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>1-17</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) ____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) ____ are subject to restriction and/or election requirement.</p>			
Application Papers			
<p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input type="checkbox"/> The drawing(s) filed on ____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner.</p> <p style="margin-left: 20px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p>11)<input type="checkbox"/> The proposed drawing correction filed on ____ is: a)<input type="checkbox"/> approved b)<input type="checkbox"/> disapproved by the Examiner.</p> <p style="margin-left: 20px;">If approved, corrected drawings are required in reply to this Office action.</p> <p>12)<input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>			
Priority under 35 U.S.C. §§ 119 and 120			
<p>13)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <ol style="list-style-type: none"> 1.<input type="checkbox"/> Certified copies of the priority documents have been received. 2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. ____. 3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). <p>* See the attached detailed Office action for a list of the certified copies not received.</p> <p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).</p> <p>a)<input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>15)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>			
Attachment(s)			
<p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.</p>		<p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) ____.</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____</p>	

DETAILED ACTION

Continuing Domestic Data

1. Acknowledgement is made that this application is a continuation-in-part of Application Serial No. 09/190,760 filed 12 November 1998, which issued as U.S. Patent No. 6,193,156.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 7-9, 11-14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Borough et al. (US 3,728,521)(hereinafter referred to as 'Borough').

Borough discloses a card comprising: generally parallel top and bottom surfaces defining a space therebetween; a pattern formed within the space, said pattern when illuminated with an input light producing a predetermined output light pattern (see column 3, lines 15 19-48), the use of light pipes for forming pattern within the space (see column 3, lines 30-38), forming a pattern between the top and bottom surfaces such that the pattern extends between one side of the card and a second side of the card and wherein when an input light source illuminates the one side of said card, an output light pattern is produced at said second side (see fig. 2), applying input illumination 2 to the light pipe pattern to one side of the card and sensing the light output at the other side 3

(see column 4, lines 32-36), forming a pattern by severing selected ones of the 5 optical fibers, (see column 4, lines 8-21).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 4-6, 10 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borough in view of the admitted prior art by the applicant

The teachings of Borough have been discussed above.

In addition to the teachings of Borough as discussed above, he also teaches the step of modifying the output pattern by impairing or blocking the light transmitting ability of selected fibers (column 4, lines 18-22).

However, Borough teaches the card having a top and bottom surfaces having a space therebetween, he fails to teach the claimed limitation wherein the embedded pattern between top and bottom surfaces is illuminated by an input light source, a predetermined output light pattern is produced on one of the side surfaces of the card, the spacing between top and bottom surface being of less than 30-mm., and producing a patterned bar code as well as a preselected image.

Applicant admitted that illuminating a card on its top and bottom surfaces, and measuring the diffused light off of its side surfaces, is a notoriously well known and commonly used technique in the prior art as described in the specification (see page 7, lines 12-21 and page 8, lines 1-18 of the specification).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate notoriously old and well known in the prior art to leave spacing as admitted by applicant to Borough's card in order to provide a space for a light-transmitting fibers between the top and the bottom surfaces. Moreover, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Borough so as to output a bar code pattern or a preselected image, would have been an obvious expedient to an already well known process and thus obvious to one of ordinary skill in the art at the time of the invention.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jacoby et al. [US 3,648,240] discloses a personnel identification apparatus, Finkel et al. [US 4,671,839] discloses a process for manufacturing secure identification cards, Drexler [US 4,683,371] discloses an optical card having a pair of information strips,

Drexler [US 4,745,268] discloses an optical card,

Drexler [US 4,810,868] discloses a data card having an optical recording medium formed by an erasable layer,

Wooley et al. [US 5,446,791] discloses an optical data storage and retrieval system.,

Yamagidate [US5,610,884] discloses an optical information reproducing apparatus.

Jachimowicz et al. [US 5,789,733] discloses a smart card with contactless optical interface,

Okada et al. [US 5,959,289] discloses a card and information recording card.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Seung H. Lee whose telephone number is (703) 308-5894. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax-phone number for this group is (703) 308-5841 or (703) 308-7722.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.lee@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35

Application/Control Number: 09/745,512

Page 6

Art Unit: 2876

U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Seung H. Lee
Art Unit 2876
December 12, 2002



MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800